

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 4, 2012
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:13 p.m. He extended condolences to the family of Sergeant Steve Stroh and requested a moment of silence in his remembrance.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Swenson, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Bennett made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.A, regular meeting minutes of August 21, 2012; IV.F., Traffic Safety Report of August 1, 2012; and, Item IV.H., Request to waive building permit fee for Hornet's Nest project, as follows:

IV.A. Approve ~~regular~~, closed session meeting minutes of August 31, 2012; and, work session meeting minutes of August 21, 2012

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated August 23, 2012, and consisting of 48 pages; General Fund \$133,584.36; Police Special Revenue \$58,941.56; Working Capital Fund \$698,201.90; Equipment Replacement Fund \$18,667.89; Art Center Fund \$3,017.26; Aquatic Center Fund \$6,118.42; Golf Course Fund \$37,231.25; Ice Arena Fund \$5,516.21; Edinborough Park Fund \$4,383.13; Centennial Lakes Park Fund \$8,363.54; Liquor Fund \$179,760.98; Utility Fund \$1,063,828.85; Storm Sewer Fund \$400,570.17; Recycling Fund \$2,400.00; PSTF Agency Fund \$1,471.08; Payroll Fund \$5,258.75; TOTAL \$2,627,315.35 and for approval of payment of claims dated August 30, 2012, and consisting of 29 pages; General Fund \$522,058.71; Police Special Revenue \$268.00; Working Capital Fund \$7,354.62; Art Center Fund \$3,709.31; Aquatic Center Fund \$6,884.53; Golf Course Fund \$21,330.91; Ice Arena Fund \$106,058.10; Edinborough Park Fund \$14,417.95; Centennial Lakes Park Fund \$2,172.14; Liquor Fund \$215,596.44; Utility Fund \$24,812.82; Storm Sewer Fund \$12,424.00; Recycling Fund \$32.78; PSTF Agency Fund \$10,593.96; TOTAL \$947,714.27.

IV.C. Adopt Resolution No. 2012-100 setting the hearing dates for special assessments and utility certifications on October 2, 2012

IV.D. Set 2013 budget and levy hearing and budget and levy adoption meeting

IV.E. Adopt Resolution No. 2012-101 changing the precinct boundaries between Precincts 2 and 3

~~IV.F. Traffic Safety Report of August 1, 2012~~

IV.G. Request for Purchase, 2011-2012 watermain and service roadway repairs, awarding the bid to the recommended low bidder, Bituminous Roadways, Inc. at \$25,275.00.

~~IV.H. Request to waive building permit fee for Hornet's Nest project~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.A. REGULAR MEETING MINUTES OF AUGUST 21, 2012 – APPROVED AS CORRECTED

Member Swenson made a motion, seconded by Member Bennett, to approve the regular meeting minutes of August 21, 2012, revising Page 6, Item 9A, to indicate it was referred to the **“Traffic Safety Committee.”**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.F. TRAFFIC SAFETY REPORT OF AUGUST 1, 2012 – ACCEPTED

The Council addressed the restrictions/limitations on parking, standing, loading, and stopping areas during road construction or special projects. Engineer Houle indicated staff responded based on complaint or request from a public safety point of view. He advised of procedure when reconstruction necessitates road closure and type of notification provided to residents. Mr. Houle explained that the recommendations of the Edina Transportation Commission (ETC) would be incorporated into the Construction Management Policy and considered by the Council at a future date. The Council discussed the recommendation of the ETC relating to temporary speed tables and suggested notification of public safety (Fire/Police Departments) since it impacted public safety routes. Consensus was reached to direct staff to schedule construction management plan for a future work session. **Member Brindle made a motion, seconded by Member Sprague, to accept the Traffic Study Report of August 1, 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.H. REQUEST TO WAIVE BUILDING PERMIT FEE FOR HORNET’S NEST PROJECT – APPROVED

The Council discussed the recommendation to waive the Hornet’s Nest building permit fee and potential precedence for future public building projects. Manager Neal advised of past practice for projects that were or were not charged a building permit fee, noting it had not been consistent. He explained that if waiving a fee of this size (\$36,000) it was equivalent to a revenue expenditure and being recommended for waiver because the project had a tight budget. It was noted that should the building permit fee not be waived, an additional \$36,000 of value engineering or project cuts would need to be identified. Attorney Knutson advised he was not aware of another city that had a policy on this subject and most often, it was considered on a case-by-case basis. Finance Director Wallin explained that if the building permit was waived, the \$36,000 would not appear in the audit report because the City would not take in that amount of revenue and the project would not be charged that cost. The Council requested staff schedule a future discussion with the intent of identifying guiding principals relating to waiver of building permit fees. **Member Sprague made a motion, seconded by Member Swenson, to waive the building permit fee for Hornet’s Nest Project based on the rationale of the tight project budget and high percentage of City participation.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. CONSTITUTION WEEK PROCLAIMED

Mayor Hovland read in full a proclamation declaring the week of September 17-23, 2012, as Constitution Week in the City of Edina. **Member Bennett made a motion, seconded by Member Brindle, approving proclamation September 17-23, 2012, as Constitution Week in the City of Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Diana Lynch, Regent of the Daughters of the American Revolution Monument Chapter, thanked the Council for this recognition and accepted the Proclamation.

V.B. INTRODUCTION OF ECONOMIC DEVELOPMENT MANAGER

Following an introduction by Mr. Neal, newly hired Economic Development Manager Bill Neuendorf described his professional background.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. SITE PLAN, BRUCE CARLSON, 7501 FRANCE AVENUE, BUILD A FREESTANDING COFFEE SHOP WITH A DRIVE-THRU – RESOLUTION NO. 2012-108 – CONTINUED

Planning Director Teague advised the applicant had requested a continuation to allow time to finalize plans based on Planning Commission recommendations relating to the drive-thru lanes. **Member Brindle made a motion, seconded by Member Sprague, to continue the public hearing to a future date for consideration of Site Plan, Bruce Carlson, 7501 France Avenue, to build a freestanding coffee shop with a drive-thru.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VI.B. CONDITIONAL USE PERMIT, PAUL AND KRISTEN COMMERS, 4710 GOLF TERRACE, ALLOW FIRST FLOOR ELEVATION OF MORE THAN ONE FOOT ABOVE THE EXISTING FIRST FLOOR ELEVATION – RESOLUTION NO. 2012-109 – ADOPTED

Planning Director Presentation

Mr. Teague advised that the Planning Commission had recommended, on a 4-2 vote, for denial of a Conditional Use Permit (CUP) to build a new home at 4710 Golf Terrace based on the applicant's failure to justify conditions 2 and 4 of Section 850.11, Subd. 3 of the Zoning Ordinance. However, since that consideration, the proponent had submitted a supplemental engineering report that set a recommended basement elevation of 895 feet based on existing water table conditions. The proponent also submitted a front elevation rendering of the proposed home in context with adjacent homes to establish the scale of the project relative to the neighborhood. Mr. Teague indicated staff recommended approval of the CUP to construct a new home with a first floor elevation of 905.8 feet, which was 3.2 feet above the first floor elevation of the existing home and 2.2 feet above the first floor height allowed by ordinance.

The Council noted homes in this general area had drain tile and sump pumps and questioned whether all new homes in this area could request a higher first floor elevation. Mr. Houle answered in the affirmative if a ground water issue was proven. The Council requested additional information related to existing basement conditions and how runoff would be addressed so adjacent properties were not impacted. Mr. Teague presented staff's rationale for recommending approval of the CUP based on supplemental engineering reports and justification of required conditions. He noted the proposed house was within the character of the existing neighborhood and the ridgeline was within the average elevation.

Proponent Presentation

Scott Busyn, Great Neighborhood Homes representing the proponent, presented the supplemental engineering report that confirmed existing water table conditions and recommended a basement elevation of 895. He indicated the subject site was unique since it was at the low elevation in the neighborhood, collected organic debris, and contained a rear yard pond. These factors necessitated constructing the home on 90 pilings. Mr. Busyn noted the home was designed to minimize visual impact and positioned to create maximum separation and blend with the character. Mr. Busyn indicated that neighbors had been supportive of the requested Conditional Use Permit.

Mr. Busyn answered questions of the Council relating to the driveway elevation, setbacks, and how stormwater runoff would be addressed. He stated the proponents' plan was to improve existing drainage conditions, noting the location of a drainage swale. It was noted a drainage plan was required by the City to assure adjacent properties were not impacted. Mr. Teague advised the Council could also place conditions of approval on any conditional use permit.

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Paul Commers, 4710 Golf Terrace, proponent, introduced himself and assured the Council that they also wanted runoff correctly addressed.

Mayor Hovland opened the public hearing at 8:15 p.m.

Public Testimony

No one appeared to comment.

Member Sprague made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Busyn described the rear elevation and graduated architectural increase as it approached the first level. He stated the site would be graded from the terrace to drain towards the pond, which contained a pump with governor. It was noted the ordinance required drainage toward the stormsewer system or street and the golf course pond was private property. Mr. Busyn stated there was a distance of 37.3 feet to the lot line and the Code required 25 feet.

The Council discussed whether to require a retaining wall to direct water to the street if the swale was not adequate. Mr. Commers stated they would take all measures to assure proper site drainage. **Member Sprague introduced and moved adoption of Resolution No. 2012-109, approving a Conditional Use Permit at 4710 Golf Terrace for Paul and Kristen Commers based on the following findings:**

1. **The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.11, Subd. 3.**
2. **The proposal meets all applicable Zoning Ordinance requirements.**
3. **The homes in the area have a variety of height, mass, and scale.**
4. **The proposed new home is in character with this neighborhood.**

And subject to the following conditions:

1. **The site must be developed and maintained in conformance with the following plans:**
 - Plans and elevations date stamped July 25 and August 27, 2012.
 - Survey date stamped July 25, 2012
2. **Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.**
3. **Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit. Drainage patterns may not be directed to adjacent properties.**
4. **Drainage from the driveway must be directed to the street or east on the subject property.**
5. **A ten-foot side yard driveway setback shall be required for the driveway**
6. **If the swale along the east property line does not work, a retaining wall must be installed. The retaining wall must match the materials from the new home.**

Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

Lisa Butts, P.O. Box 24621, cable programming producer and host since 1996, requested the Council require the Southwest Suburban Cable Commission to set up another public access studio.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2012-107 – ADOPTING PRELIMINARY 2013 TAX LEVY AND OPERATION BUDGET – ADOPTED

Mr. Wallin presented the draft resolution setting the maximum proposed 2013 tax levy and operating budget. He indicated that if approved, the 2.5% increase would be the maximum property tax increase the City could levy. However, in December the Council could lower the levy and expenditures and revenues prior to adoption of the final budget. **Member Swenson introduced and moved adoption of Resolution No. 2012-107, adopting the proposed budget for the City of Edina for year 2013, and establishing the proposed tax levy payable in 2013.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.B. RESOLUTION NO. 2012-106 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2012-106 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. ORDINANCE NO. 2012-17 – AMENDING CHAPTER 14 OF EDINA CODE CONCERNING BICYCLE LANES – ADOPTED

Mr. Houle presented the plans for bike corridors as recommended by the Edina Transportation Commission (ETC) and accepted by the Council, and the draft ordinance to designate these corridors as bike routes and bike lanes.

The Council discussed the recommendation of Alliant Engineering to remove the dashed line and use sharrows, or to leave in the dashed lines at Lewis Park as well as the option to place signage to restrict overflow parking during certain hours. It was noted that both the ETC and consultant indicated the priority was the bike lane with restricted parking. Mr. Houle displayed signage to address restricted parking and the bike lane. He recommended the use of dashed lines to provide driver and bicyclist awareness and increase safety.

Public Works Director Olson addressed the consultant's recommendation to use a buffered crosshatched line on Valley View Road or to use a six-inch fog line. Mr. Olson explained that a crosshatched line required hand painting at more than double the cost so he recommended using a six-inch fog line to more clearly define vehicular and pedestrian traffic lanes.

The Council addressed the appearance and alignment of bike lanes in the area of Normandale and 70th, noting it was precarious. Mr. Houle displayed a diagram of the area under discussion and advised there was not enough room for a dedicated bike lane west bound. It was agreed that in the future a green lane would be an option for this section. The Council acknowledged there was a missing link of sidewalk at 70th and Cahill. The Council also discussed the bike lane signage change at Lewis Park, the six inch fog line in the Valley View section of bike lane and the reconsideration of a green lane within the next year at Normandale and 70th under Highway 100.

The Council extended its appreciation to the Bike Edina Task Force, ETC, consultant, and staff for its work to address best practices and create a more efficient process so Edina would have the best on-street facilities and signage. **Member Sprague made a motion to grant First and waive Second Reading adopting Ordinance No. 2012-17, amending Chapter 14 of the Edina City Code concerning bicycle lanes. Member Bennett seconded the motion.**

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The Council discussed statutory definitions related to “bikeway,” “bicycle lanes,” “bicycle routes,” and “bicycle paths,” and agreed its intent was to assure all bicycle facilities were included in the ordinance. It was suggested a bicycle route map be created to assure public awareness. The Council requested staff research and provide recommendation on the City’s power under Statutes and best practices of other organizations, such as the Transit for Livable Communities. **Member Bennett moved, seconded by Member Sprague, to revise Subsection 1420.01 to indicate: “...following streets which are separated from the portion of the roadway used for motor vehicle traffic by physical barrier, striping, marking, or other similar device...”**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Vote on motion to grant First and waive Second Reading adopting Ordinance No. 2012-17, as amended:

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.D. SKETCH PLAN REVIEWED – 6500 FRANCE AVENUE

Planning Director Presentation

Mr. Teague presented the revised sketch plan to construct a one-phase five-story building with the mechanical equipment located inside the building. The overall height would not exceed the height of the mechanical equipment on the roof of the previously approved four-story building. He advised this site plan was generally similar to the previous plan with access from 65th Street and a secondary right out on France Avenue. Mr. Teague noted differences from the previous plan are: five story building with no rooftop mechanical equipment, 62 feet in height; attached parking ramp; five-level parking ramp; rounded grand building entry appearance at 65th and France; and green roof on top of the building. Mr. Teague advised the Planning Commission reviewed the proposed sketch plan at its August 22, 2012, meeting and generally liked the plan, believing it to be an improvement from the previous approval.

Proponent Presentation

Steve Michaels, Mount Development, stated the revised plan was an enhancement over the previous plan, harmonious with the adjacent six buildings, contained numerous green elements, and had a lower height than the six adjacent buildings.

Edward Farr, Farr Architects, presented the substantial changes made to the plan including the rounded and crowned corner element that opened the corner patio/public space, pedestrian access to the building from the rounded corner, enhanced pedestrian ways in challenging pedestrian locations, and green roof. Mr. Farr indicated surface treatment would be further addressed with staff. To achieve the same square footage as the six-story building, the south wing had been pushed westward so it now overhung what had been an open courtyard and connected with the parking ramp. Mr. Farr described traffic circulation and points of egress, noting the connection with the parking deck allowed better access and greater convenience to floors 3 and 4. The parking ramp was shifted to create additional green space and potentially a piece of public art could be incorporated at the main entrance. Mr. Farr presented the parking ramp lighting plan.

With regard to the potential variance request, Mr. Farr explained the parking structure was shifted five feet to the west; however, the proponent’s civil engineer had indicated the remaining 15 feet would be adequate to handle stormwater management. He estimated there was 45 to 50 feet from the Southdale parking ramp to the street and three feet of green space between the building and street. Mr. Farr next addressed the parking ramp and precast material of three color tones to pick up on the building design. He displayed colored renditions of the parking lot, noting the location of louvers which would prevent a direct line of sight into the parking lot and its lighting.

Mr. Michaels indicated that Marilyn Kemme, Point of France Association Board President, had reviewed the plans and made the plans available to Point of France residents. Mr. Michaels offered to hold another neighborhood meeting, if needed.

The Council discussed the revised site plan and suggested the following: inclusion of marked crosswalk to ensure easy and safe crossing to the Southdale medical campus; use of planters instead of bollards to mimic other France Avenue intersections; address the adequacy of the proposed podium height; consider interaction with the pond and connectivity via pathway; and to create a pleasant pedestrian experience in front of the medical building/parking ramp by allowing enough space to accommodate landscaping and overstory shade trees.

Mr. Michael stated there was 25 feet of width on the boulevard north of the ramp that expanded to 35 feet going west so there was more than adequate space to accommodate large overstory trees. With regard to interaction with the pond, he suggested a seating/gazebo feature in the southwest corner to overlook the pond, noting it would be shielded from a north wind and could be used six to eight months of the year.

The Council commended the proponent for greatly improving the project's aesthetics and undertaking a one-phase construction.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. ADVISORY BOARDS & COMMISSION CORRESPONDENCE:

- 1. MINUTES – EDINA TRANSPORTATION COMMISSION, JULY 19, 2012***
- 2. MINUTES – HUMAN RIGHTS & RELATIONS COMMISSION, JULY 24, 2012***
- 3. MINUTES – PLANNING COMMISSION, JULY 25, 2012***

Informational; no action required.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:29 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, September 19, 2012.

James B. Hovland, Mayor

Video Copy of the September 4, 2012, meeting available.